

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	<b>EB Docket No. 04-296</b>
<b>Review of the Emergency Alert System</b>	)	
	)	
	)	
	)	
	)	

To: The Commission

**REPLY COMMENTS OF DOMINION VIDEO SATELLITE, INC.**

Dominion Video Satellite, Inc. ("Dominion"), by its attorneys, hereby submits its reply comments in the Federal Communications Commission's Further Notice of Proposed Rulemaking ("FNPRM") issued in the above captioned proceeding. The FNPRM seeks public input regarding the potential benefits and burdens associated with expanding the Emergency Alert System ("EAS") to include greater involvement, including the provision of state and local alerts, by the direct broadcast satellite ("DBS") industry.

Dominion is the licensee of eight frequencies at 61.5° W. L. Dominion shares a satellite at that location with EchoStar Satellite L.L.C. ("EchoStar") from whom Dominion leases capacity for its frequencies. Dominion operates two of its frequencies and subleases the remaining six frequencies back to EchoStar. In its Reply Comments, Dominion supports the position of DIRECTV, Inc. ("DIRECTV"), and EchoStar in their comments that DBS is a national service, which with its associated technical limitations, faces a significant challenge in the delivery of state and local EAS messages. These obstacles are even more pronounced for Dominion as a niche DBS provider with limited bandwidth. Therefore, Dominion urges that the Commission not adopt specific state and local EAS requirements for DBS providers at this time.

## **I. BACKGROUND**

Dominion is a DBS pioneer, the last remaining applicant from the original DBS license round in 1981. Dominion's DBS network, "Sky Angel," delivers nationwide 20 television channels and 16 radio channels consisting of children's programming, a family friendly package of non-sectarian channels and Christian-inspirational programming. Sky Angel does not provide "local-into-local" service in any television market, and with limited bandwidth and fewer financial and personnel resources relative to the nation's two other DBS providers, it would be difficult for Dominion to provide state and local EAS announcements. Significant technical and personnel additions would be required for Dominion to provide state and local EAS messages for every market in the country as is proposed by the Commission.

## **II. DISCUSSION**

Dominion shares the FCC's goal that EAS be capable of disseminating emergency information as quickly and efficiently as possible to affected populations. Providing national alerts can be an efficient use of Dominion's technical abilities and the DBS industry's inherent strengths. Dominion does not have the present ability to receive, handle and send state and local EAS messages containing targeted state and local emergency information, and requiring targeted state and local alerts to every market in the country by DBS means undertaking significant logistical and technological difficulties for Dominion with its existing satellite bandwidth, network design and resources.

Furthermore, broadcasting all state and local alerts (as an alternative delivery mechanism) must rely on the accuracy of conditional access because any variance would confuse viewers located outside of the affected emergency areas. Providing state and local information that is not accurate could also potentially harm the emergency alert system's integrity by

dangerously diminishing viewers' ability to focus on relevant alerts, if non-relevant warnings appear at times. Dominion did provide emergency information during the Hurricane Katrina disaster.

As EchoStar suggests, the national EAS system "should comprise national providers [such as DBS] providing national alerts and local providers providing local alerts."<sup>1</sup> The public interest would be best served by the Commission expanding and improving the EAS system after a thorough and comprehensive review of the strengths and weaknesses of all communications technologies. This would enable a sound judgment regarding the types of alerts (national, regional, state, or local) specific technologies should deliver.

Congress recently provided \$156 million to the United States Department of Commerce to implement a "unified national alert system" capable of alerting the public, on a national, regional, or local basis to emergency situations by using a variety of communications technologies (potentially including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wire-line communications, and the Internet).<sup>2</sup> Dominion urges the Commission to work with the Department of Commerce to determine how to best leverage these various communications systems' unique characteristics, including identifying which technologies are best suited to provide state and local alerts, before imposing new requirements on DBS providers.

Dominion also believes the Commission's desire to require weekly EAS testing for DBS providers is unnecessary. Weekly EAS testing requirements would provide few if any benefits beyond DBS providers existing testing obligations. Current technology in and of itself can

---

<sup>1</sup> Comments of EchoStar Satellite L.L.C., *Review of Emergency Alert System, First Report and Order and Further Notice of Proposed Rulemaking*, EB Docket No. 04-296, p.5, (January 24, 2006).

<sup>2</sup> The Digital Television Transition Act, Title III of the Budget Reconciliation Act of 2005, P.L. 109-171.

provide warnings if the EAS equipment does not meet the Commission's operating specifications.

### **III. CONCLUSION**

For the above reasons, Dominion respectfully asks the Commission to forego placing new EAS obligations on the DBS industry.

February 23, 2006

Respectfully submitted,

/s/

Marvin Rosenberg  
Reginal Leichy  
Holland & Knight LLP  
2099 Pennsylvania Avenue, NW  
Washington, D.C. 20006  
(202) 955-3000

# 3599214\_v2